

Obtaining Library Services For Your Community

EXPANSION OF LIBRARIES

How Can I Obtain Service From An Existing Library? (IC 36-12-5)

A part of a township, a township, or a group of townships may join an existing library and receive service.

How Is This Expansion Accomplished?

If the expansion is with one township or a part of one township, the township trustee and legislative body of the township must approve it. If the expansion is with more than one township or parts of more than one township, the county commissioners will be the body that must approve the expansion.

The township legislative body or county commissioners may approve the expansion without a petition process, but if the library board presents the township legislative body or county commissioners with a proposal of expansion and an intent to file a petition for acceptance of the proposal of expansion, the township legislative body or county commissioners within ten (10) days after the petition filing, must publish notice of the proposal of expansion. A notice of the petition must be published in one or more newspapers, including one in the area to be served.

What Are The Requirements For A Petition?

Beginning the first day after the notice is published, and continuing for 60 days after the

publication of the notice, a person who is a registered voter of the proposed expanded library district may sign one (1) or both of the following:

- (1) A petition for acceptance of the proposal of expansion that states that the registered voter is in favor of the establishment of an expanded library district.
- (2) A remonstrance in opposition to the proposal of expansion that states that the registered voter is opposed to the establishment of an expanded library district.

The petition or remonstrance must include an affidavit of the person circulating the petition or remonstrance stating that each signature on the petition or remonstrance was affixed in the person's presence and is the true signature of the person who signed the petition or remonstrance.

The petition or remonstrance must show the following:

- (1) The date on which each person signed the petition or remonstrance.
- (2) The residence of each person on the date the person signed the petition or remonstrance.

Each copy of the petition or remonstrance must include an affidavit and any signer may file the petition or remonstrance. All copies constituting a petition or remonstrance must be filed on the same day.

A registered voter of the proposed expanded library district may file the petition or remonstrance with the clerk of the circuit court in the county where the proposed expanded library district is located. A petition for acceptance of the proposal of expansion must

be signed by at least twenty percent (20%) of the registered voters of the proposed expanded library district, as determined by the most recent general election.

Does That Make It Legal?

Not quite. The petition and remonstrance must be certified by the clerk of the circuit court within 15 days of filing.

The clerk of the circuit court must do the following:

- (1) If a name appears more than one (1) time on a petition or on a remonstrance, the clerk must strike any duplicates of the name until the name appears only one (1) time on a petition or a remonstrance, or both (if the person signed both a petition and a remonstrance).
- (2) Strike the name from either the petition or the remonstrance of a person who signed both the petition and the remonstrance and personally, in the clerk's office, makes a voluntary written and signed request for the clerk to strike the person's name from the petition or the remonstrance.
- (3) Certify the number of signatures on the petition and on any remonstrance that are not duplicates and represent persons who are registered voters in the proposed expanded library district on the day the persons signed the petition or remonstrance.
- (4) The clerk of the circuit court shall establish a record of certification in the clerk's office and shall file the original petition, the original remonstrance, if any, and a copy of the clerk's certification with the township legislative body or the county commissioners.

Not more than forty (40) days after the certification of a petition and remonstrance, if any, the township legislative body or county commissioners must compare the petition and any remonstrance. When a remonstrance has not been filed or a greater number of voters have signed the petition than have signed the remonstrance, the township legislative body or county commissioners must agree to the expansion by written resolution.

Not more than ten (10) days after the written resolution establishing an expanded library district is adopted, the township legislative body or county commissioners must submit a copy of the resolution for filing in the office of the county recorded in the county where the administrative office of the public library is located and with the Indiana State Library. The expansion is effective as of the date the written resolution is filed.

What If The Remonstrance Is Greater Than The Petition?

If the number of registered voters signing the remonstrance is greater than the number of registered voters signing the petition for the proposed expanded library district, the township legislative body or county commissioners must dismiss the petition. Another petition to establish the expanded library district may not be initiated until one (1) year after the date the township legislative body or county commissioners dismissed the latest unsuccessful petition.

Must The Two Areas Be Joined Geographically?

Although most expansions involved contiguous areas, it is not required according to the law.

What Planning For A New Tax Rate Is Required?

When an expansion of any kind occurs, a new library district is created and a property tax levy must be set. Those planning to enlarge a library district should draw up a plan for serving the new larger area, estimate a budget that provides reasonable support for the development of services and estimate the potential property tax levy needed to support the budget.

How Is The Tax Rate For the Library District Set?

An expanded library district operates with a single tax rate, as determined by the library board and certified by the county auditor. The Local Government Tax Control Board sets the maximum levy, based on the budget proposed by the library board. The levy, divided by the assessed valuation and multiplied by one hundred, yields the tax rate.

Maximum Levy
100 x _____ = Tax Rate
Assessed Valuation

It should be remembered that the assessed valuation is now based on market value. Farm property may be assessed by a different method.

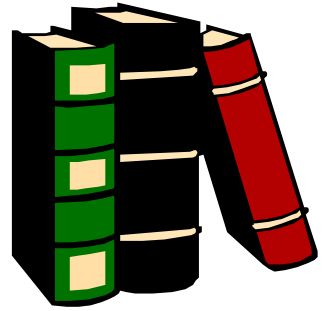
What Potential Financial Effects Are There From An Expansion?

Those persons supporting the library as residents of a library district, may find their tax burden decreased when an expansion occurs, since the support will come from a larger area and number of property owners, but there may be initial costs such as equalization of services and facilities for the two areas.

Does An Expansion Affect Library Services?

Enlarging the library district may increase service to all citizens in the area by providing more resources, staff and materials. Services more convenient for rural residents, such as bookmobile or small neighborhood collections are more feasible.

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